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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,390	11/18/2003	Horst Roh	7400-X03-045	4397

27317 7590 09/13/2005

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EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,390

Applicant(s)

ROH, HORST

Examiner

Michelle (Shelley) Clement

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6 and 9-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-6 and 9-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection as necessitated by applicant's amendment.

### *Specification*

2. The amendment filed 6/21/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The weapon base detachably connected to the barrel between the trigger guard and **the second** end of the barrel. Specifically figures 1 & 2 show the weapon base (34) connected to the barrel between the trigger guard and the first end of the barrel (given that the first end of the barrel includes a cartridge receiver). Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

3. Claims 1, 3-6, and 9-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The weapon base detachably connected to the barrel between the trigger guard and the **second** end of the barrel.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-6, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chee et al. (US Patent # 6,481,144), Primeau (US Patent # 5,704,155), and Klipsch (US Patent # 2,302,699). Chee et al. discloses a rifle comprising a barrel including a first and second ends having a center of length interposed between the first and second ends, the first end including a cartridge receiver and a locking system, a trigger assembly including a trigger and a trigger guard attachable to the rifle and interposed between the first end and the center of length of the barrel, a firing mechanism operably connected to the trigger assembly and interposed between the trigger assembly and the first end of the barrel, a magazine engagable with the rifle between the first end of the barrel and the firing mechanism, a weapon base detachably connected to the barrel between the trigger guard and the second end of the barrel, the detachable connection of the barrel to the weapon base is interposed between the trigger guard and the center of the length. The barrel can be detachably connected to the weapon base by any known means such as a prismatic clamping joint, a cylindrical clamping joint, or a screw connection. The drive of the firing mechanism is arranged in front of the magazine in the shooting direction, the firing mechanism has a cocking lever without a catch element and the firing mechanism has a striker spring. Although Chee et al. does not expressly disclose a targeting device detachably connected to the barrel proximal to the weapon base, Primeau does. Primeau teaches a universal tactical

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mount adapted to attach to a firearm barrel for detachably attaching a plurality of firearm accessories, including a targeting device, to the firearm. Primeau and Chee et al. are analogous art because they are from the same field of endeavor: firearms. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the accessory mount as taught by Primeau to the barrel of the firearm as taught by Chee et al. The suggestion/motivation for doing so would have been to obtain a firearm that could hold a sighting device as is well known in the art. Although neither Chee et al. nor Primeau expressly disclose the center of gravity of the rifle lying in front of the trigger guard, Klipsch teaches barrel weights to shift the center of gravity of the firearm towards the barrel/shooting end of the firearm in order to stabilize the firearm, decrease vibrations and therefore increase the shooting accuracy of the firearm. Since the center of gravity is a result effective variable based on weight, mass and distance it is inherent that the more weight put on the end of the barrel as taught by Klipsch (column 3, lines 65-75) and the added weight of the targeting device as taught by Primeau (or any additional accessory to the barrel end of a firearm (see Cortese)), the center of gravity of the firearm could be shifted to lie in front of the trigger guard. Primeau expressly disclosed that the weights could compensate for a heavier stock (see also Rose, Recker, and Crandall cited below). It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 205 (CCPA 1980).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rose (US Patent # 5,698,810 & # Re. 35, 381), Recker (US Patent # 3,340,641),

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Crandall (US Patent # 5,794,374), Cortese (US Patent # 5,628,137), Anderson (US Patent # 4,856,410), Kalb (US Patent # 5,834,678), and Barnes et al. (US Patent # 4,463,654).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Clement", is located in the lower right quadrant of the page.